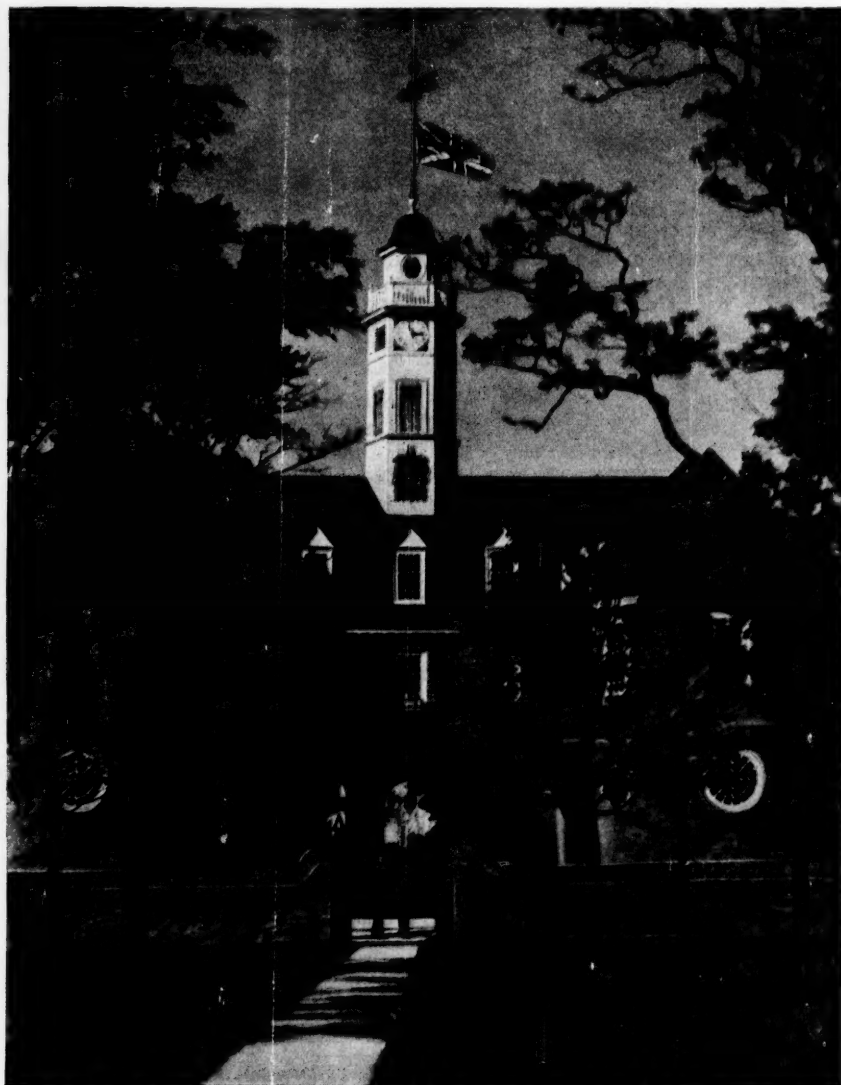


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LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



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THE RESTORED COLONIAL CAPITOL OF VIRGINIA AT WILLIAMSBURG

**SUPREME COURT AND CONGRESS—UNFETTERED
PRESS—LIBERTY AND DICTATORS—SHAW AND
CONSTITUTION**

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WASHINGTON, D.C.

Religious Liberty Association

DECLARATION OF PRINCIPLES

1. We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.

2. We believe that the ten commandments are the law of God, and that they comprehend man's whole duty to God and man.

3. We believe that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.

4. We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.

5. We believe it is the right, and should be the privilege, of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.

6. We believe that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.

7. We believe, therefore, that it is not within the province of civil government to legislate on religious questions.

8. We believe it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.

9. We believe in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.

10. We also believe in temperance, and regard the liquor traffic as a curse to society.

For further information regarding the principles of this association, address the Religious Liberty Association, Takoma Park, Washington, D. C. (secretary, C. S. Longacre; associates, H. H. Votaw and M. C. Taft), or any of the affiliated organizations given below:

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Central States Religious Liberty Association (affiliated organizations in Kansas, Nebraska, Missouri, Colorado, Wyoming, Iowa, Minnesota, and North and South Dakota): Office, 4547 Calvert St., College View, Lincoln, Nebr.; Sec., J. F. Piper.

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LIBERTY

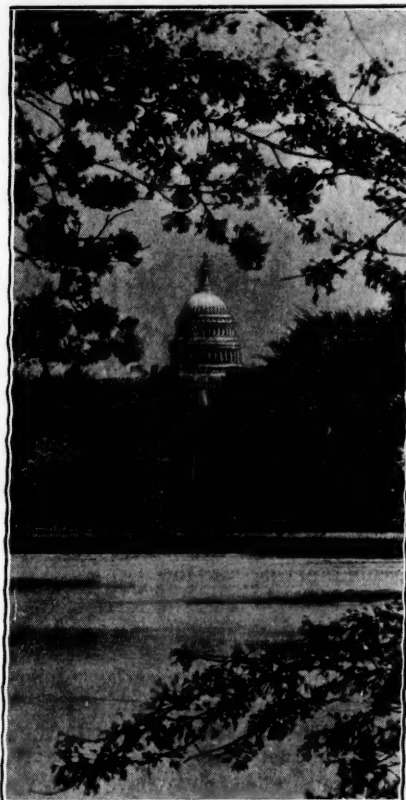
A MAGAZINE OF RELIGIOUS FREEDOM

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HORYDCZAK

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The Duties We Owe to These Two Powers Were Clearly Defined by the Saviour of Men When He Said to Certain Hypocritical Pharisees of Old, "Render to Caesar the Things That Are Caesar's, and to God the Things That Are God's"

Two Separate and Distinct GOVERNMENTS

THERE are two separate and distinct powers to whom all men owe allegiance, and to whom all must render account. One is the government in heaven, the other the government on earth. It naturally follows that the service rendered each is of a different nature. As the government in heaven deals with things of a spiritual nature, the service rendered must of necessity have to do with religion. The government on earth deals with earthly or civil matters, so the service rendered by man has to do alone with civil things.

That the duties we owe to these two powers are separate and distinct the one from the other, is clearly and definitely stated in the words of the Saviour of men when He said, "Render to Caesar the things that are Caesar's, and to God

To Whom All Men Owe Allegiance

By

Hon. George A. Williams

the things that are God's." That this statement of truth was of transcendent importance is clearly shown by the fact that three of the four Gospel writers were moved to record it. The civil powers can of

right rule only in civil matters, or man's relationship with his fellow men. When the civil power undertakes to govern in religious matters, it invades the domain of God, and is a usurper of the rights and prerogatives of the Almighty. Paul gives recognition to this same principle when he asks, "Who art thou that judgest another man's servant? to his own master he standeth or falleth."

The Scriptures abound with statements indicating that the Creator never intended that civil government should exercise authority in religious matters

in the least degree. He gives to the civil power the right to control in civil affairs, but retains for Himself the right to rule in spiritual things. He rules supreme in the spiritual kingdom, and man must answer to Him, and to Him alone, in matters that have to do with religion. Freedom of conscience is one of the cardinal doctrines of the Bible. In all the Bible history of God's dealings with man since the creation, this truth is set out in the clearest of terms. Religious liberty is listed by churchmen and statesmen as one of the natural, inherent rights of mankind. It is the right of all men everywhere, given to man by the Creator. The only relation the civil power bears to religion is the duty to protect man in the exercise of his right.

For ages the true concept of the right of conscience, buried in the rubbish of bigotry and intolerance, was lost sight of, only to come to the light of day in these last times, the fruitage of a long process of evolution. From time to time through the ages, voices were heard proclaiming the doctrine of freedom of conscience, only to be hushed by the iron hand of persecution and oppression. In the seventeenth century came Roger Williams, an English clergyman, his message of religious freedom differing somewhat in that he demanded the same right for all men as he claimed for himself. Persecuted in his own country, he came to this new land, where in the providence of God the time had come for this great truth to be established as a fundamental of government. Roger Williams, characterized by Mil-

ton, who knew him personally, as "that noble champion of religious liberty," did more for the cause of freedom of conscience than perhaps any other man.

A few years later the founding fathers boldly proclaimed and defended the rights of conscience. George Washington, in a letter to the Baptist churches of Virginia, wrote: "Any man, conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshiping the Deity according to the dictates of his own conscience." Thomas Jefferson wrote: "Almighty God hath created the mind free; . . . all attempts to influence it by temporal punishments and burdens . . . are a departure from the plan of the holy Author of our religion." James Madison wrote to Edward Everett: "Religion is not in the

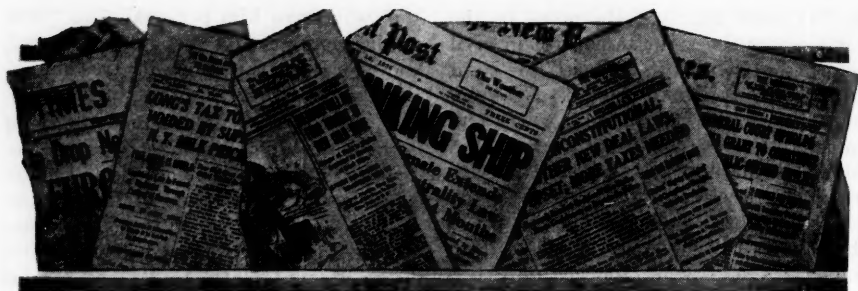
purview of human government. . . . Religion is essentially distinct from civil government, and exempt from its cognizance; . . . a connection between them is injurious to both." Patrick Henry said: "Religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force and violence."

So all through the years since our government gave recognition to the doctrine of the separation of church and state, statesmen and churchmen alike fearlessly contended for the rights of conscience. John Wesley said: "Condemn no man for not thinking as you think. Let every one enjoy the full and free liberty of thinking for him-

(Continued on page 21)



JOHN WESLEY said: "Condemn no man for not thinking as you think. Let every one enjoy the full and free liberty of thinking for himself. Let every man use his own judgment, since every man must give an account of himself to God."



AN UNFETTERED PRESS

THE United States Supreme Court, in a decision handed down February 10, declared the Louisiana State law requiring the newspapers of that State to pay a special discriminatory license tax as unconstitutional. The decision was unanimous. The Supreme Court is jealously guarding the constitutional guaranties of human rights in these stirring times when they are being assailed and over-ridden by would-be reformers under the pretense that it is for the common good. We admire the courage of the highest court of the land in standing loyally by the Constitution when Congress and the State legislatures are violating its provisions by emergency and immature legislation. The following excerpts are taken from the decision upholding a free press:

"The validity of the act is assailed as violating the Federal Constitution in two particulars: (1) That it abridges the freedom of the press in contravention of the due process clause contained in Section I of the Fourteenth Amendment; (2) That it denies appellees the equal protection of the laws in contravention of the same Amendment.

"1. The first point presents a question of the utmost gravity and importance; for, if well made, it goes to the heart of the natural right of the members of an organized society, united for their common good, to impart and acquire information about their common interests. The First Amendment to the Federal Constitution

**United States Supreme Court
Unanimously Upholds Con-
stitutional Guaranties of Free-
dom of the Press**

provides that 'Congress shall make no law . . . abridging the freedom of speech, or of the press. . . .' While this provision is not a restraint upon the powers of the States, the

States are precluded from abridging the freedom of speech or of the press by force of the due process clause of the Fourteenth Amendment. . . .

"The word 'liberty' contained in that Amendment embraces not only the right of a person to be free from physical restraint, but the right to be free in the enjoyment of all his faculties as well. . . .

"The tax imposed is designated a 'license tax for the privilege of engaging in such business'—that is to say, the business of selling, or making any charge for, advertising. As applied to appellees, it is a tax of two per cent on the gross receipts derived from advertisements carried in their newspapers when, and only when, the newspapers of each enjoy a circulation of more than 20,000 copies per week. It thus operates as a restraint in a double sense: First, its effect is to curtail the amount of revenue realized from advertising; and, second, its direct tendency is to restrict circulation. This is plain enough when we consider that, if it were increased to a high degree, as it could be if valid, . . . it well might result in destroying both advertising and circulation. . . .

"It is not intended by anything we have said to suggest that the owners of newspapers are immune from any of the ordinary forms of taxation for support of the government. But this is not an ordinary form of tax, but one single in kind, with a long history of hostile misuse against the freedom of press.

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CONSTITUTIONAL GOVERNMENT

By Calvin P. Bollman



AS stated three months ago, this magazine is not in politics in the common acceptation of that term. LIBERTY is set for the defense of natural rights—rights defined many years ago by Col. Richard M. Johnson, then a member of the United States Senate, in these words:

"What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot [rightfully] deprive any portion of citizens, however small. Despotie power may invade those rights, but justice still confirms them."

The same thought, but in broader terms, is expressed thus in the Declaration of American Independence:

"All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

The founders of this government sought to protect these natural rights, both secular and religious, by a written Constitution, adopted by the people and subject to change only by the people. But manifestly, while the people have the political power to change that Constitution by amendment, or by setting it entirely aside and adopting another in its stead, they have no moral right to limit or in any wise to set aside God-given natural rights, whether they are

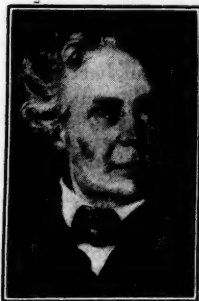
religious or civil in their nature.

The mistaken would-be friends of certain classes are not the only ones who in the supposed interests of justice for all, would strike down the wise safeguards of liberty for all, provided by the framers of the Constitution. For seventy-three years the National Reform Association has been demanding such changes in our national Constitution as would greatly restrict the God-given rights of the individual.

The changes demanded by the National Reform Association would, as they themselves confessed many years ago, "disfranchise every logically consistent infidel;" nor would they stop

with disfranchising the "infidel;" they would also make Sunday observance a test of citizenship, and of the right to hold office. And that which an alarmingly large number of politicians are now de-

MANY years ago, Col. Richard M. Johnson, then a member of the United States Senate, and later Vice-President of the United States, defined natural rights in these words: "What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot [rightfully] deprive any portion of citizens, however small. Despotie power may invade those rights, but justice still confirms them."



J. NEAGLE, ARTIST

manding, and which they have endeavored to give the form and force of national law, would invade and sweep away the civil right of any man to cultivate for profit to himself and for the support of his family, the soil of his own farm, and to use as he would the product of his own labor.

What we protest against is the in-

(Continued on page 21)

NUMEROUS bills have been introduced into Congress which aim to place the law-making powers of Congress above the authority of the Constitution, and to give Congress also the power to suppress the decisions of the Supreme Court of the United States relative to the acts of Congress. Some of the proposals before Congress go so far as to deny the right of any citizen or corporation to question the constitutionality of an act of Congress, and the proposed bills deny the right of appeal to the Supreme Court, and prohibit the Court itself from sitting in judgment "in such cases upon the constitutionality of an act of Congress." Another proposal aims to require a 7 to 2 decision; and still another proposes a unanimous decision of the Supreme Court in declaring acts of Congress unconstitutional.

The judgment of the founding fathers of this Republic who framed the Constitution as the supreme law of the land, expressing the will of the people, is being attacked, and the enemies of the Constitution who think it is a worn-out document, ready to be cast into the discard, are advancing new theories of government, foreign to the Constitution, which virtually make Congress absolute in power by giving it unquestioned and unrestricted authority to create burdens exercising the prerogatives of the legislative, judicial, and executive branches of our government, from whose powers there is no appeal.

The Supreme Court decisions relative to the NRA and the triple A, have precipitated this partisan, political attack

upon the Supreme Court and the Constitution. These alphabetical bureaus, authorized by Congress, clothed with absolute powers, did so abuse their

powers in the name of the "general welfare" clause of the Constitution, that they not only trampled underfoot many constitutional guaranties of property rights and civil rights vouchsafed to the individual, but ignored the constitutional prerogatives of States rights of every State in the Union, which the people of the several States had re-

served to themselves under the Constitution. There are some in Congress who want the privilege to legislate upon every subject under heaven governing every relationship of man to man and of man to God, notwithstanding constitutional barriers.

The Supreme Court was expressly created by the people who established the Constitution, to preserve their rights under the Constitution, and to check the excessive exercise of power of the executive and legislative departments of government, as well as the decisions of inferior courts. The Supreme Court would have been remiss in the exercise of its proper functions as authorized by the Constitution if it had not defended the constitutional rights of the people which they reserved to themselves. So far, the Supreme Court has championed the rights of the people as they are fortified in the Constitution.

It must not be forgotten that the Supreme Court itself is subject to the Constitution, and cannot, in justice, ex-

(Continued on page 22)

Shall Congress Supersede the Constitution and the Supreme Court?

By The Editor



LIBERTY IMPOSSIBLE

Under Dictators

By Heber H. Votaw

advance a select class much farther.

IT will doubtless be conceded by all that for celerity in enacting or enforcing law, an autocracy can outstrip any other form of government. The word of an unlimited sovereign is law, and all his ministers must give unquestioning obedience. The whole power of his government is brought into play immediately to carry out his will. In the days of absolute monarchs, the ruler spoke and no other voice was needed. It sometimes happened that a law was promulgated for the good of the empire. If a despot chanced to be benevolent, he can bring benefits to his people much more rapidly than could the same good be accomplished under a democratic form of government.



C. S. PEARCE, ARTIST

Liberty, in theory, is praised; its friends are legion, its defenders a host. Liberty applied is less commonly defended; its friends are less numerous; it is too often deserted by the crowds.

Every lover of America has wished at times that there might be some method for speeding up desirable legislation or enforcing good statutes already upon the books. But who, having experienced the benefits of freedom of individual thought as found in this fair land, would choose to live under even a benevolent autocracy or oligarchy?

The founders of this nation expressed again and again their faith in the common people. Jefferson in particular believed that, given

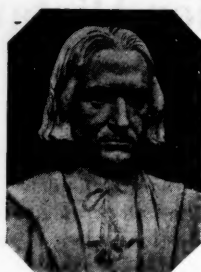
the facts without partisan coloring, the common man would reach the right conclusion in his reasoning. He believed that the opinion of the whole body of the people was a safer guide than the ideals of a select few. It has been said that he asserted "an intense belief in the value of freedom, in the equal claim of men of all conditions to the consideration of government, and in the supreme importance to government of the consenting mind of the governed. And he made this sense so definitely a part of the national stock of ideas that, while the older-established principles of strong and sound government were not lost to sight, they were consciously rated as

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In admitting this, however, it should be remembered that while mere material good may be dispensed by one possessed of supreme power, such a procedure does nothing to enlighten and educate the masses to the place where they can govern themselves. Paternalism may give ease, but not strength. It cannot develop fiber that will withstand real storms. It is commonly and rightly believed today that the parent who imposes his will upon his children, at whatever cost of force and punishment, is not preparing them to meet life's problems and deal with them intelligently. What is true in the home is equally true in the nation. Viewed abstractly, it will hardly be denied that it is better to raise the whole body politic a given distance than to

A Brief Biographical Sketch of ROGER WILLIAMS

Second
Part



By
Charles S. Longacre

IN an article in the last issue of *LIBERTY* magazine, we covered briefly the life and work of Roger Williams until he was compelled to flee to America for safety from religious persecutors in Europe. But the paramount reason for his coming to America was to preach the gospel in all its fullness, and help create a democracy in the New World where the natural rights of all men would be respected before the law, and where the conscience of the individual would be supreme in the religious realm without civil molestation.

Roger Williams was compelled to flee from England under persecutions by Bishop Laud, or surrender his religious convictions; "and for him, as for all noblest natures," says Judge Durfee, in speaking of his flight, "a life of transparent truthfulness was alone an instinct and a necessity. This absolute sincerity is the key to his character, as it was always the mainspring of his conduct. It was this which led him to reject indignantly the compromises with his conscience which from time to time were proposed to him. It was this which impelled him when he discovered a truth to proclaim it, when he detected an error to expose it, when he saw an evil to try and remedy it, and when he could do a good, even to his enemies, to do it."

Williams Declines Boston Pastorate

Upon his arrival in Boston on February 5, 1631, Roger Williams was welcomed with open arms, and the ecclesiastical authorities invited him to become

a teacher in the Boston church, succeeding Mr. Wilson, who was about to return to England. The

Boston Puritans believed their church to be the "most glorious on earth," and they were astonished because Roger Williams felt conscientiously bound to decline their invitation on account of that church still being "unseparated" from the Established Church of England and under Bishop Laud's control.

Roger Williams, possessing the religious convictions which he did, had good reasons for refusing a pastorate in any church that was still officially connected with the Established Church of England. In his home district in England, from which he fled, he had just witnessed, before he sailed to America, the persecution in all its hellish cruelty, of Doctor Leighton, who had become a Puritan. Neal, in his "History of the Puritans," tells of Doctor Leighton's arrest and the inhumane persecution that followed under Archbishop Laud's ecclesiastical sentence pronounced against him, which provided that he be "committed to the prison of the Fleet for life, and pay a fine of ten thousand pounds; that the High Commission should degrade him from his ministry; and that he should be brought to the pillory at Westminster while the court was sitting and be publicly whipped; after whipping be set upon a pillory a convenient time and have one of his ears cut off, one side of his nose split, and be branded in the face with a double S. S. for a sower of sedition; that then

he should be carried back to prison, and after a few days be pilloried a second time in Cheapside, and have the other side of his nose split and his other ear cut off, and then be shut up in close prison for the rest of his life."

Roger Williams had not come to America to place his head in that kind of ecclesiastical noose, and every free-man in America today justifies the exiled Williams for repudiating a church establishment which at that time was so cruel in its persecutions. He conscientiously refused the "unanimous call" as pastor of the Boston church because the Boston church still held connections with the Church of England, and because the church would not deny the power of "the civil magistrate to punish any breach of the first table" of the decalogue, and declare itself in favor

of the principle of the separation of church and state. His declaration that the civil magistrates had "no rights as such, to rule in spiritual matters," struck the New England Puritans with wonder and amazement, as the whole system of the "Holy Commonwealth" of the Bay Colony was based upon the Bible as their statute book, and the ten commandments as a whole, as they interpreted them, were the warp and woof of their whole social fabric as administered by the clergy and magistrates. The Puritans believed, as many religious legalists believe today, that if the violations of the first four commandments of the decalogue, which are purely offenses against God, are not punished by the civil magistrate, religion will be destroyed and civil society cannot exist.

(Continued on page 24)



Upon his arrival in Boston, February 5, 1631, Roger Williams was invited to become a teacher in the Boston church. The Puritans, believing their church to be the "most glorious on earth," were astonished when Roger Williams declined the invitation because their church was "unseparated" from the Established Church of England. This attitude on the part of Roger Williams created violent opposition. Meanwhile he accepted a call from the church in Salem. His service here was limited to six months, because of opposition from outside the town. The next two years were spent with the more tolerant Pilgrims in the independent colony of Plymouth. While here, he made many friends among the Indian tribes. In the summer of 1633, a second call brought him again to the pastorate of the Salem church.



Just before fleeing from England, Roger Williams had witnessed the inhumane treatment accorded Doctor Leighton under Archbishop Laud's ecclesiastical sentence. The doctor was fined, brought to the pillory and publicly whipped, had his ears cut off, his nose split, his face branded, and was shut up in prison for the rest of his life. The Puritans had fled to America to escape this religio-political persecution, but strange to say, they exhibited the same intolerant spirit against Roger Williams and others who held different views. They employed the whipping post, confiscation of property, and banishment "to open the understanding of the heretics." In order, as they said, to save them from hell-fire. Such was the result of state-enforced religion. Williams saw its injustice and labored for freedom of worship.



In 1634 all Bay residents, not freemen, were ordered to take an oath, pledging themselves to submit to the orders of the General Court. A few days later an act was passed requiring the freemen also to take an oath of allegiance to the court. The purpose was to eradicate all opposition to the "Holy Commonwealth," and the penalty for refusing to take the oath was banishment. Williams accepted the challenge. For the new act was evidently aimed at him. He denied the right of the state to enforce this oath, which, he said, was "a spiritual form and act of worship and prayer." He became the people's champion, and attacked the legality of the act so vehemently that public opinion was swayed against it, and made it impossible of enforcement. But the victory was of only short duration.



Williams, championing the cause of liberty, won many friends to the principle of freedom. But subdued or banished he must be, the General Court decreed. So, through guile and threats, this authority won to its side John Endicott and a majority of the Salem church. Finally Roger Williams was summoned for trial on the charge of entertaining "dangerous opinions." Before the Bay governor, twenty-five court magistrates, the deputies, and all the ministers of the Bay, he eloquently argued in defense of his principles and stood unshaken in the "rocklike strength" of his convictions. But his defense fell upon deaf ears, and he was sentenced by the governor to banishment from the colony. That sentence of exile, instead of being the doom, was the harbinger of religious liberty in America.

Religious Liberty and Equality CHAMPIONED

Address Delivered by Rev. H. Bielenberg,
Pastor of Christ Lutheran Church, Oil City, Pennsylvania,
Over Station KDKA, Pittsburgh, November 2, 1935.

[Though the election that prompted the Rev. Bielenberg's address is past, other similar elections will be held in the future, not only in Pennsylvania, but in other States. The principles which the speaker enunciated are so clearly in harmony with the American conception of the separation of church and state, that we feel our readers will enjoy this address. A goodly number of Pennsylvania towns and cities voted for the liberalization of the law in the matter of Sunday activities, and one does not need to be much of a prophet to foretell that others are bound to do likewise in the future, when once it is understood that the exercise of true Biblical principles does not harm the church, but rather helps it. We commend this article to all our readers.]

CONFRONTING the voters of Pennsylvania is an issue involving basic American principles of liberty, an issue, which, therefore, ought to be decided correctly in harmony with those incomparable principles. It is not the question of whether you want Sunday movies for yourself; it is a question of whether you, as an American citizen, are willing to give liberty and freedom of action to your fellow citizen. A vote to retain and enforce the blue laws is a vote for intolerance, a protest against American liberty, a frank statement of dissatisfaction with the American Constitution.

No doubt many different considerations will affect the decision of voters in this matter. Economic reasons will affect many. Men will feel that employment will be increased. Some have long held that blue laws discriminate against the poor. Social clubs, private estates, automobiles, furnish recreation for the more fortunate, while the poor

man sits at home in enforced idleness. Some people cannot understand, either, how moving pictures shown six days a week can be so definitely wrong on the first day. Others will vote for Sunday movies because they feel that a man should be

free to enjoy whatever recreation he chooses on the one day of the week on which he is normally free from work.

The angle, however, which interests me deeply and which has induced me to enter actively into this fight, is the angle of religious liberty and tolerance, the priceless and basic doctrines of our American Republic. Before the city council of Oil City, before committees of the House and Senate at Harrisburg, I have championed liberty and equality for all men, irrespective of their religious belief or nonbelief. I have ardently advocated the abolition of all religious laws, because I know that religious laws, as innocent and desirable and beautiful as they may seem on their surface, are deadly; they have the seeds of gory persecution within them; they are out of harmony with American ideals of the separation of church and state.

I have been misunderstood in my position. Some people cannot understand how a minister could oppose religious laws, and label him as reactionary, godless, working for the breakdown of moral standards. I think in this connection of the action of Governor Pollard of Virginia, who advocated the elimination of the word "Christian" from the Virginia Bill of Rights. This eminent champion of the separation of church and state was severely criticized for his action. The chairman of the constitutional convention said in committee: "The Christian people all over the State cannot be convinced that this

is not an attack upon Christianity."

In defending his action, the governor replied: "Some have done me the injustice to say that this was intended as a blow at Christianity. I would rather have a millstone tied about my neck and be cast into the midst of the sea than to strike a blow at the religion on which I rest my hopes. In offering this I believe I am following the teaching of Him who said, 'My kingdom is not of this world.' If there is one lesson taught in the annals of history, it is that *Christianity prospers best under those governments which, as such, help it least*. A false religion may need the peculiar recognition of the law, but it is beneath the dignity of the only true religion to accept it." Wonderful words, Governor Pollard! We need more men like you; men with deep insight into this important question; men not afraid to stand for principle, whatever the cost may be.

I have a serious word to you who are Christian people. Listen. You want the state to keep its fingers out of your pie, you want no state-made creeds, no domination, no Hitlerism,—you do not want that, I do not; well, then, apply the golden rule. Turn about is fair play. Keep *your* fingers out of the state's pie; keep your lobbies out of Washington and Harrisburg; make your rules and regulations for your own church members. *Your* jurisdiction *ends* with *your* church members. Your church obligations are voluntary, not to be forced, by law, upon others who differ.

The aforementioned Mr. Pollard shows his keen insight into the human heart when he asserts: "How easy it is for us to see a discrimination against our own religion, and how hard to perceive an injustice against the religion of others. How easy it is—even for us Christians to minimize the importance of the rights of others." To mention just one instance: Some people worship on Saturday. They close shop, follow their religious duties without a law. During that time *we* go about our business or pleasure. Comes Sunday—*our* day of worship. We worship—and those people who worshiped Saturday—what do they do? Do they go about their business, their pleasures? *No*. We demand by law that they refrain; that movies, concert halls, and until recently, ball parks be closed. Is that justice? Are not such people being taxed one sixth of their time in the interest of a religious belief?

Another word to Christian people. We know that Christianity is a religion of *love*, not force. Christ never forced any one to believe. His requirement of

(Continued on page 28)



Christianity Is a Religion of Love, Not of Force. The Gospel of Christ, When Presented by Consecrated Men, Fills Churches and Houses of Worship Without the Help of Human Laws. When Intolerance Reigned and Persecution Raged, Christians Met in Forests and Secret Meeting Places "in Spite of Dungeon, Fire, and Sword"

GEORGE BERNARD SHAW

and Our CONSTITUTION

By Thomas M. French

ARRIVING at Miami, Florida, some time ago, George Bernard Shaw, Irish playwright and caustic critic, declared that we have "a bad Constitution." It is said that he advised us to chuck it "into the ocean, bag and baggage."

We have since been wondering what fault Mr. Shaw could find with the Constitution of the United States. It provides for representative government—government by the people. Its laws are made by the representatives of the populace. Its judicial officials are appointed by the representatives of the people. The Chief Executive is chosen by popular vote. The Constitution guarantees civil and religious liberty. We wonder of which of these and similar rights Mr. Shaw would deprive the free people of the United States.

Furthermore, we wonder if Mr. Shaw would be willing to surrender the rights and privileges of representative government in England and Ireland. The English people fought a long, bitter warfare for the rights they enjoy today. One has only to remember the Magna Charta and similar exactions of

the Crown to realize that English liberties were gained by persistent effort. Though maintaining in form a monarchical government, the British enjoy as great liberty as the people in any other country of the world.

It was this growing spirit of the British Empire that moved our colonials to prize liberty, to fight for it, and to safeguard it by the American Constitution.

Since the days of the American Revolution, Britain has learned valuable lessons in administering her vast domain. She has granted representative domin-

ion status to Canada, the Union of South Africa,

and the Australian commonwealth. These self-governing dominions are prospering under British guidance and protection. Look at Mr. Shaw's own Ireland. Recall the liberality England has recently shown that isle. Ireland is conducting her own affairs, while enjoying trade advantages with Great Britain and her protection of the emerald shores. Would Mr. Shaw turn back the hands of the clock a few centuries and take the treatment his native land once



E. NORMAND, ARTIST

That Great Charter of Liberty, Magna Charta, Was Sealed by King John in 1215, and Is the Basis of the English Constitution

experienced under the despotic kings of earlier days? Where would Mr. Shaw be today as an Irishman were it not for representative government?

The fact is that we forget the benefits we enjoy in the way of freedom, and fail to realize that the world has come a long way in granting the rights of the people. It seems cheap talk when the constitutions of free governments are belittled and suggestions are made that they be scrapped. To realize the seriousness of such harmful agitation, we have only to look at some of the governments of the Old World where the tide has reverted to dictatorships. Already per-

sonal rights to hold property and engage in legitimate business are denied. Citizenship is taken away. Religious liberty is crushed, and men and women, born equal, with God-given rights, are made the pawn of the government.

We believe that government exists for the benefit of the people, and not for just the few. The rights of minorities are to be respected. Our Constitution has safeguards which should be maintained. Every liberty-loving citizen should throw his entire weight of influence on the side of maintaining the principles of the American Constitution.

EQUALITY OF ALL RELIGIONS

EQUALITY of all religions before the law is firmly established throughout the nation, but it is not completely enthroned in the hearts of all the people. There was a religious tyranny in law now happily passed away, but there still remains in all of its cruelty a tyranny which ostracizes, condemns, and denounces men on account of their religious affiliations. I need hardly remind you that in many American communities membership in some religious sects still constitutes a social, political, and business handicap. Conversely, membership in other sects is considered an asset. Wherever public sentiment allows such a condition to prevail, the spirit of religious liberty is dead.

I can exercise my rights of property and my rights of person without the slightest criticism anywhere in this country, but there are many places where I cannot exercise my freedom of conscience without being made to suffer. I plead for a broader and more tolerant spirit toward the adherents of other faiths, to the end that we may bring to its complete fruition the work which

Before the LAW



By

Hon. John Garland

Pollard, Former Governor of Virginia

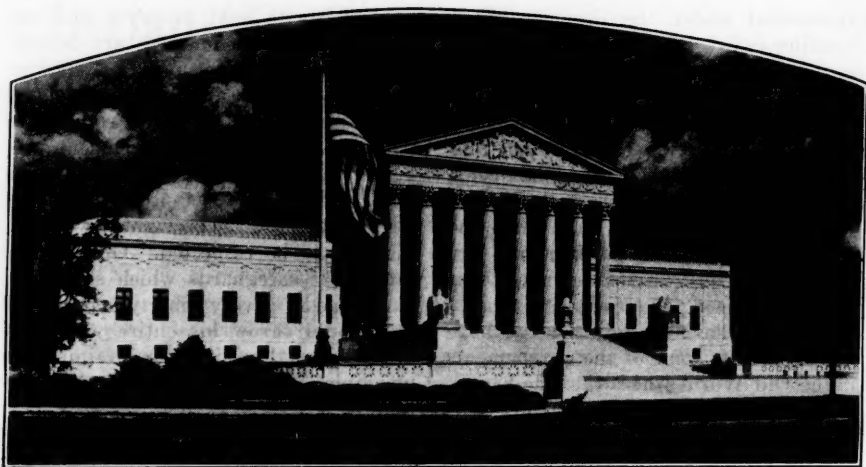
our forefathers so nobly began when they embodied religious liberty in the law of the land.

Rights of person, rights of property, rights of conscience, these three, but the greatest of these are the rights of conscience. . . .

This Is Not a Christian Nation

Notwithstanding the dicta of some of the courts to the contrary, this is not a Christian nation except in the sense that Christianity is the prevailing religion of the people.

(Continued on page 29)



HORYOCZAK

A Very Fine View of the New United States Supreme Court Building in Washington, D.C.

[In the *Congressional Record* of January 6, 1936, there is reprinted an article which appeared in the *Red Book Magazine* from the pen of Senator William E. Borah of Idaho. We have taken some excerpts from this excellent article, because we believe they merit a wider circulation in order that our American ideals and institutions may be preserved.]

Shall the Power of the Supreme Court Be Curbed?

By

Senator William E. Borah

BY what authority does the Supreme Court exert the power to void an act of Congress on the ground that it is unconstitutional?

The assertion is made that no such power was conferred upon the Court in the beginning, and that it exerts it through usurpation. The question therefore really is:

Are we living under a usurped judicial power?

My answer is, "No." We are not living under a usurped judicial power. The power of the Court to void an act of Congress on the ground that it is unconstitutional is plainly and unmistakably conferred by the terms of the Constitution. . . .

It is an indisputable historic fact that at the time John Marshall wrote the opinion in "Madison against Marbury," announcing the doctrine that a statute in conflict with the Constitution must be held void, this doctrine was well estab-

lished, and had been for years, in our system of jurisprudence. Years before John Marshall was born it was a settled doctrine in the colonies that any legislative act of a colonial legislature must be held void if in conflict with the charter or fundamental law of the colony. It was a doctrine which grew up with our constitutional history. It was a doctrine which grew up with American law. Over 500 acts of colonial legislatures were held void under this principle.

In the convention which framed the Constitution of the United States it was repeatedly declared that the courts would be bound to hold a statute void when found to be in conflict with the

Constitution. . . . Patrick Henry, opposing ratification, declared the doctrine; and John Marshall, favoring ratification, did likewise; and the contrary view was expressed by no one. . . .

It may be well to remember that this denial of the power of the Court to declare a statute unconstitutional was born of partisan politics. It has never been seriously urged, except in heated party conflicts in which the Court refused to bend its opinions to conform to partisan demands. Let us place this doctrine of impotency upon the part of the Court where it belongs, and that is, with blind partisanship. When you destroy the Court's power, you pull down the pillars of the temple.

I do not mean to say the decisions of the Court are above criticism or that the people should not be entirely free to express their views touching the decisions of the Court. But I do mean to say that without the power of the Court to declare acts of Congress in contravention to the Constitution void, the Constitution as the supreme law of the land disappears, and we pass from a constitutional government to a parliamentary government or a dictatorial government; and every right, every privilege, every guaranty of personal liberty which the people have written into the Constitution, becomes the plaything of politics, and the Court the cowed slaves of partisan dictation.

The Supreme Court is not a divine institution, and its members are not always wholly exempt from the influence of politics. But in my opinion it is the most nearly perfect human institution yet devised by the wit of man for the dispensation of justice and for the preservation of liberty as defined by the people themselves in the charter under which they have declared their desire to live. . . .

Let us never forget that those who talk about the Constitution's being antiquated and out of date overlook the fact that the people, if they choose, may bring it down to date, and no one else may do so under our form of government. The contest is really over whether the people shall amend the Constitution, or whether it shall be amended by the Court or by the Congress. The fact is that those who complain that the Court is blind to economic problems seem greatly to hesitate about taking their cause direct to those and those alone

(Continued on page 29)

This Statue of Chief Justice John Marshall Stands on the Terrace West of the United States Capitol, and Is the Work of W. W. Story. The Statue, Executed in Italy, Was Presented to the United States by Members of the Bar. Congress Supplied the Pedestal



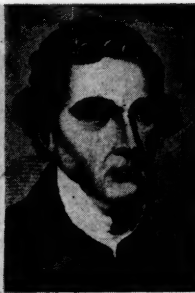
NORVDCZAK



John Adams



Thomas Jefferson



Patrick Henry



George Washington

1. *To what central principle is our country dedicated?*

JOHN ADAMS: "It was this great struggle for human liberty that peopled America. It was not religion alone, as is commonly supposed; but it was a love of universal liberty. . . . Be it remembered that liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we have not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood."

2. *What liberty may citizens rightfully look to their government to provide?*

THOMAS JEFFERSON: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."—*From the Declaration of Independence.*

3. *Is dictatorship compatible with free institutions?*

A LIBERTY CATECHISM

JOHN ADAMS: "It is a maxim that in every government there must exist somewhere a supreme, sovereign, absolute, and uncontrollable power; but this power resides always in the body of the people; and it never was, or can be, delegated to one man or a few; the great Creator having never given to men a right to vest others with authority over them unlimited either in duration or degree."

4. *Does Fascism have anything to offer America?*

PATRICK HENRY: "You ought to inquire how your liberties can be secured, for liberty ought to be the direct end of our government. . . . Is it necessary for your liberty that you should abandon those rights?"

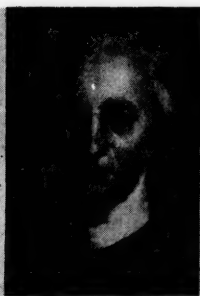
5. *Shall we surrender liberty in the interest of "nationalism"?*

PATRICK HENRY: "The rights of conscience, trial by jury, liberty of the press, all your immunities and franchises: (these are) your liberties, the greatest of earthly blessings. Give us that precious jewel (liberty) and you may take everything else. . . . Guard with zealous attention the public liberty. Suspect every one who approaches that jewel."

6. *Are freedom of conscience and civil liberty a threat to social order?*



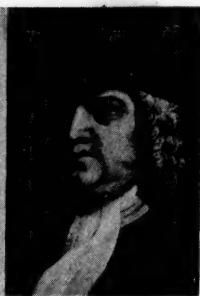
George Washington



Charles Carroll



Roger Williams



William Penn

TECHISM for AMERICA

THOMAS JEFFERSON: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; . . . freedom of religion; freedom of the press; and freedom of person under the protection of the habeas corpus; and trial by juries, impartially selected,—these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instructions—the touchstone by which to try the services of those we trust."—*Presidential Inauguration Address.*

7. How far may a government go in granting civil liberty?

THOMAS JEFFERSON: "It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."—*Virginia Statute of Religious Liberty.*

8. Is religious liberty to be granted or withheld at will?

GEORGE WASHINGTON: "As mankind become more liberal, they will be more apt to allow, that all those who conduct themselves as worthy members of the community

are equally entitled to the protection of civil government."—*To the Roman Catholics in the United States.*

GEORGE WASHINGTON: "All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."—*To the Hebrew Congregation in Newport.*

9. Does the Constitution guarantee the rights of conscience?

GEORGE WASHINGTON: "If I could have entertained the slightest apprehension that the Constitution framed in the convention, where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and, if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded, that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution."—*To the Baptist Church in Virginia.*

(Continued on page 31)

Early Days in the Government of Virginia

By

Sanford M. Harlan

THE "ivy-mantled tower" of Jamestown, "lone relic of the past," has kept its solitary watch over the "Old Dominion" for nearly three centuries. The church of which it formed a part was built some thirty years after that little band of one hundred twenty-nine men landed on the shores of the James River in old Virginia. Mooring their three small boats, the "Sarah Constant," the "Good-speed," and the "Discovery," to the trees that lined the shore, these daring pioneers began the founding of the first permanent English settlement in America. The present population of the United States is in striking contrast to that little company of heroic souls who landed in the New World May 13, 1607, three hundred twenty-nine years ago this year.

Eighty years before, there had been Spaniards upon that very spot. But discord, fever, and death had speedily put an end to their venture.

Also a colony had been sent from England to Roanoke Island, off the Carolinas, in 1587, but before the mother country could communicate with the colony a second time, it had disappeared and its fate was never known.

The story of the first few years of Jamestown is one of hardship and bitter trials. Tragedy and suffering, famine and pestilence, terrors of Indian hostility, and devastating fire, all combined

to give the colony a hard struggle for existence.

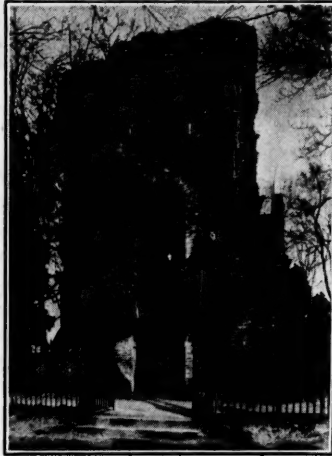
Only nine months after the arrival of the colonists, an accidental fire destroyed much of the settlement.

A church and State-house, two of each in fact, were built, but of their history little is known. The third church, a frame structure, built at Jamestown in 1619, is interesting in that it housed in its chancel the first legislative assembly in America. Sir George Yeardley, then governor, believing the colonies should have "a handle in the government of themselves," called together an assembly of repre-

sentatives from the several plantations, and they met July 30, 1619. So well did the members work that within six days of their coming together, they were ready to adjourn. This was a radical change in government. "It was to be a little State, governed by its people."

The twenty-second of March, 1622, was a tragic day for the settlement. Indians fell upon the whites and slew 347 men, women, and children of a population of 1,240.

The frame church having been destroyed, a new building, constructed of brick, was erected between the years 1639 and 1647 on the same spot where the third church had stood. This first brick church stood for several decades, but it, too, was to meet the fate of its predecessors. During the Bacon Rebel-



HORYDCZAK PHOTO

The Ivy-Mantled Tower of Jamestown Which Adjoins the Restored Church. It Was Built Upon the Site Where, Over Three Hundred Years Ago, Met the First Legislative Assembly in America



R. & H. PHOTOS

These Foundations of Some of the Early Buildings at Jamestown Were Discovered and Identified in 1903 by S. H. Yonce, the Designer of the Sea Wall at That Place. Could They Speak, What Tales They Would Tell of the Heroic Struggle for Existence of That Pioneer Colony



This Monument Was Placed by the Association for the Preservation of Virginia Antiquities in 1907

in 1639-47. It marks the spot where representative government began in America.

In 1686 the Statehouse, destroyed ten years before, was rebuilt on the same site. But it also was burned in 1698 and was never rebuilt. The following year the capital was moved from Jamestown to Williamsburg.

Williamsburg

Passing over to Williamsburg, or "Middle Plantation," as it was sometimes called, we find that this "village city" was laid out by the colonial governor, Sir John Harvey, in 1632, on the elevated peninsula between the James and York Rivers. There was a great difference in the healthfulness of the first capital, with its low-lying ground and mosquitoes, and this second one at Williamsburg, where the air was "serene and temperate."

The capitol, or House of Burgesses, at Williamsburg, was "built at the cost of Queen Anne of England," and, says an early writer, "It is a noble, beautiful, and commodious pile: in fact, it is the best and most commodious pile of its kind that I have ever seen or heard of."

"For a number of years the use of fires, candles, and tobacco was prohibited," probably on account of the fre-

lion in September, 1676, this building was burned, only the tower remaining intact. The third Statehouse, built in 1666, was also destroyed in this rebellion.

The year 1644 brought further disaster to the inhabitants, when Indians attacked a second time and slew several hundred people. The population of the colony in 1648 was about 15,000.

For the next ten years after the burning of the third Statehouse, the King's Council met in one of the numerous taverns. The old brick church was rebuilt, probably between the years 1676 and 1684, but gradually fell into disuse and ruin about the end of the seventeenth century, and remained so until its restoration a few years ago.

Foremost among the historical places of interest in Jamestown today is the old tower with the Memorial church adjoining. As far as possible, it is a reproduction of the fourth one built

quent burnings of State and other buildings. But notwithstanding precautions, the capitol building was burned in 1746, rebuilt, and burned again in 1832.

In the meantime, in fact, more than fifty years before this, the capital had been moved to Richmond. The following years found this second capital city suffering from neglect and decay. In her heyday, Williamsburg had entertained and housed the most renowned of Virginia's patriots. George Washington made frequent visits to this colonial city. Patrick Henry and Thomas Jefferson, as the first governors of the Commonwealth of Virginia, lived here for a time.

Some years ago, Dr. Goodwin, of Bruton parish church, had a vision of restoring this historic city to its former beauty and colonial grandeur. He succeeded in interesting Mr. John D. Rockefeller, Jr., in the project; and the work of restoration began. Over three hundred modern buildings have been torn down, and many colonial homes and government buildings restored. In short, the great task of restoring Williamsburg to its colonial atmosphere has been carried on with infinite care and patient research, and today one can almost imagine himself back in the peaceful days of the colonial era.

The restored capitol, pictured in colors on our cover, is a duplicate of the original building which was burned. It was rebuilt over the original foundations, and furnished according to preserved records.

Here in this restored city one can see hostesses in colonial costume and the old stagecoach attended by servants in colonial livery. In fact, one can in fancy live again as the colonists lived in spacious old mansions, with their beautiful, boxwood-bordered gardens, cobbled streets, and stately shade trees.

One cannot review the past history of our country in securing civil liberty without associating with it the struggle for religious freedom. While bringing

back to our view the buildings of colonial America, let us not restore to our American commonwealth the spirit of intolerance and persecution so often associated with the past.



An Unfettered Press

(Continued from page 4)

"The predominant purpose of the grant of immunity here invoked was to preserve an untrammelled press as a vital source of public information. The newspapers, magazines, and other journals of the country, it is safe to say, have shed and continue to shed more light on the public and business affairs of the nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgment of the publicity afforded by a free press cannot be regarded otherwise than with grave concern.

"The tax here involved is bad not because it takes money from the pockets of the appellees. If that were all, a wholly different question would be presented. It is bad because, in the light of its history and of its present setting, it is seen to be a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties. A free press stands as one of the great interpreters between the government and the people. To allow it to be fettered is to fetter ourselves.

"In view of the persistent search for new subjects of taxation, it is not without significance that, with the single exception of the Louisiana statute, so far as we can discover, no State during the one hundred fifty years of our national existence has undertaken to impose a tax like that now in question.

"The form in which the tax is imposed is in itself suspicious. It is not measured or limited by the value of advertisements. It is measured alone by the extent of the circulation of the publication in which the advertisements are carried, with the plain purpose of penalizing the publishers and curtailing the circulation of a selected group of newspapers.

"2. Having reached the conclusion that the act imposing the tax in question is unconstitutional under the due process of law clause because it abridges the freedom of the press, we deem it unnecessary to consider the further ground assigned that it also constitutes a denial of the equal protection of the laws.

"Decree affirmed."

How true it is that if we allow the

government to fetter the press, we fetter ourselves! It we allow the government to nullify the Constitution, we nullify our own rights. It is refreshing to know that there is one branch of our government that has not lost its head when others all around it have lost theirs. Long live the Supreme Court to champion the rights of the people under the Constitution!

C. S. L.

Two Separate and Distinct Governments

(Continued from page 3)

self. Let every man use his own judgment, since every man must give an account of himself to God." Charles Spurgeon, the noted Baptist preacher, said: "I am ashamed of some Christians because they have so much dependence on Parliament and the law of the land. . . . Your Sunday bills and all other forms of act-of-Parliament religion seem to me to be all wrong. Give us a fair field and no favor, and our faith has no cause to fear. Christ wants no help from Caesar."

The whole history of civil government's relation to religion justifies the position taken by these men. The story of the enforcement of church dogmas by civil powers is written in tears and blood. Persecution and suffering have been the lot of those who have sought to exercise the right of religious freedom denied them by the civil powers. The yearning desire for freedom of conscience is the strongest impulse planted in the human soul. There is no longing that can measure with the natural demand for liberty of belief and practice in religion. The very soul demands it, and no substitute can satisfy that demand. Our opposition to the denial of this right can find no better expression than in the words of Thomas Jefferson: "I have sworn on the altar of God, eternal hostility against every form of tyranny over the mind of man." And those of Abraham Lincoln: "Our reli-

ance is in the love of liberty which God planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men in all lands everywhere."

Constitutional Government

(Continued from page 5)

vasion of the natural, God-given rights, either civil or religious, by any human power whatsoever. And we view with alarm the tendency of certain un-American influences which are seeking to invalidate the provisions of our national Constitution by legislation of doubtful legality, thus infringing, unintentionally perhaps, the natural rights of all.

The American Constitution was so framed and the American government so organized as to protect as fully as possible the rights of all. The government was not to be one of men, but of law. It was to be, as fully as possible, a government of perfect checks and balances. At the head stood, not the President, Congress, nor yet the Supreme Court, but the Constitution. That matchless instrument was to be interpreted, as far as interpretation was necessary, by the Supreme Court. It was to be administered by the executive, who, upon assuming that office, takes a solemn oath to support the Constitution.

Touching the oath and its obligations, Abraham Lincoln said in 1864, in a letter to A. G. Hodges:

"It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power and break the oath in using the power."

It is surely not too much to assume that Federal officials of our own day are equally with Lincoln in his day in duty bound to respect the Constitution, and to give it their loyal support until it shall be legally changed by the only power that can change it, namely, *the people*.

Shall Congress Supersede the Constitution and the Supreme Court?

(Continued from page 6)

ceed its delegated powers any more than can Congress and the Executive. The Constitution expresses the supreme will of the people, and prescribes and limits the powers of all three departments of our government. As long as the Constitution remains unamended by the people, even the people themselves by a majority vote on a popular referendum cannot override the Constitution and its guaranties of human rights vouchsafed to individuals. Whatever changes are made in the Constitution must be made by the people according to constitutional procedure. The people themselves would have to amend the Constitution before they could rightly do what the unamended Constitution forbade. No branch of government has a right to nullify the expressed provisions of the Constitution. There are certain fundamental and inalienable rights vouchsafed to the individual in the Constitution that none of the three departments of the government can abridge or invade, nor can the people themselves deny those natural and inherent rights to the individual without frustrating essential justice and God-given prerogatives.

A Final Arbitrator Necessary

In the heavenly as well as in earthly governments it is absolutely necessary that there be a final arbitrator from whose decisions there can be no appeal and by which all must abide. Only the most lawless anarchist will revolt against such an authority and proposal. As God is the Supreme Judge of all the universe and its inhabitants, so an earthly government must have a final tribunal of justice which decides the issues among men according to the highest standard of authority recognized by the people. Otherwise, governments could not function, and conflicting issues could never be adjudicated.

The only way the people could get justice, if Congress could enact any laws it wished without a check on their lawmaking powers, would be to resort to a revolution and overthrow the government in order to overthrow unjust laws which violated fundamental rights.

The stability of our government and the integrity of our Constitution, with its guaranties of human rights, can be preserved for the benefit of the minority whose inalienable rights the Constitution aims to protect and preserve against the encroachments of a tyrannical majority, only when the Supreme Court is made the final interpreter and arbitrator of law and justice, instead of the political factions in Congress. Congress and the State legislatures have repeatedly, under factional and political pressure, enacted legislation which was hostile to the guaranties of civil and religious liberty and the constitutional guaranties of human rights. But the Supreme Court of the United States, which is not responsible to political factions, and should never yield to political pressure nor to the whimsical and shifting policies of changing political administrations, has, as a rule, stood in defense of the Constitution and its guaranties of human rights, which is the sheet anchor of the people's liberties.

We who have thus far enjoyed the protection of our constitutional safeguards of life, liberty, property, and the pursuit of human happiness, should prefer to trust the Supreme Court as the final interpreter of the Constitution rather than the partisan bureaus and politicians who are liable to be tempted to favor policy and patronage rather than to adhere strictly to the fundamental law.

The Proposed Amendments

It is proposed that the Constitution be amended so that the Supreme Court cannot set aside the acts of Congress as unconstitutional. Senator Norris has submitted an amendment proposing

that "no judgment shall be rendered unless concurred in by more than two thirds of the members of the Court" on acts of Congress, and action must be "commenced within six months after the enactment of the law." This proposal would virtually give Congress almost unlimited power to legislate upon every subject under heaven, in both civil and religious matters, and the Supreme Court could not declare such acts unconstitutional if action was not brought within six months after the law was enacted.

That is an unlimited power which the ancient kings of absolute monarchies used to exercise under the plea of "the divine right of kings" to rule over their subjects in all matters temporal and spiritual. This absolute right to legislate on every phase of human experience and action, without hindrance of constitutional barriers, it is proposed to have Congress exercise from henceforth under the plea of the absolute right to legislate in behalf of "the general welfare of society." No tyrant or dictator ever reduced the masses to a condition of physical and mental serfdom, who did not pretend it was for the good of all the people.

The proposal that the Supreme Court be required to render a unanimous decision of all nine justices, or an 8 to 1, or a 7 to 2 decision, instead of a majority decision on acts of Congress before the decision is valid, governing constitutional questions, is a proposal that leads to centralization of power. Let us analyze this proposal, and see what its effects would be in the determination of controversial issues. The Constitution now provides a majority decision of the nine justices, to determine any issue involved, whether it is a constitutional question, an act of Congress, or an act of the State legislature, or a municipal ordinance. In no case does the minority determine the issue under our Constitution, and its framers never intended to centralize power in the hands of a few—or of one, even if he were a good man.

Under these new proposals, that the Supreme Court cannot hand down any decision involving an act of Congress unless the Court hands down a unanimous or near unanimous decision, it becomes evident at once that the minority determines the issue instead of the majority. It may be even a minority of one who decides the issue, overruling the majority of eight. If eight justices were agreed to declare the acts of Congress unconstitutional in favor of the plaintiff, they could not do so, because the one justice would prevent the decision from being unanimous, and consequently the issue would be decided in favor of the defendant by that one justice. A minority of one would declare the law constitutional as against the judgment of the eight justices, which in its very nature would give the defendant a tremendous advantage over the plaintiff. One justice could nullify the decision of eight justices.

Under such a procedure, one justice of the Supreme Court could decide every constitutional issue in favor of the defendant each time as against the decision of the eight in favor of the plaintiff. It would be a good deal easier for the defendant to control one justice than the five justices of the present arrangement. That would be government by minorities, and by a minority of one as against a majority of eight. A minority of two as against a majority of seven would still be a government by oligarchy. Our present system under the Constitution of having the majority instead of the minority determine every issue which comes before the Court, is certainly the most sensible and equitable to all litigants concerned.

It Works Both Ways

The new proposal is a sword that cuts both ways. Let not the Administration which is in control of the government for a short period think that it will always stay in control and succeed in getting Congress to enact its policies into law. One Administration may not

always be the defendant before the Supreme Court on constitutional questions. Suppose the Administration through Congress enacted its policies into law, and these policies were *prima facie* constitutional, but some individual or corporation violated the acts of Congress, and the Department of Justice was authorized by the Administration of the Federal Government or by the Executive to proceed against the guilty party who defied the Constitution; in such case the government would be the plaintiff and the corporation sued would be the defendant. The plaintiff would in this case seek to have the act of the defendant declared unconstitutional and the Act of Congress upheld as constitutional. The Supreme Court would be powerless to render a decision in favor of the plaintiff and declare the act of the defendant unconstitutional in case it was an 8 to 1 or a 7 to 2 decision in favor of the plaintiff, and the defendant would go unpunished for violating a constitutional act of Congress. So long as the Court is unable to render a unanimous decision, one justice can nullify the decision of the other eight, and the case goes by default. The eight justices are helpless to declare the defendant guilty because a constitutional issue is involved.

Certainly the enemies of the Supreme Court and of the Constitution will not go so far in justifying the infallibility of the acts of Congress as to contend that the Supreme Court should be required to render a unanimous decision only in cases where the autocratic bureaus of the Administration are the defendants, and that a majority decision should prevail in cases where business corporations are the defendants. Why should a political party in power have more rights before the Supreme Court than the people of the United States who are the creators and masters of the Court, of Congress, and of the Executive?

Abraham Lincoln, who saved the Union and the Constitution, truly said:

"The people of these United States are the rightful masters of both Congresses and Courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."

We are inclined to believe that the people will follow Lincoln's advice in adhering to the Constitution, as they have created it in defense of their own liberties.



A Brief Biographical Sketch of Roger Williams

(Continued from page 9)

But Roger Williams believed that religion would flourish and the state would prosper when they are entirely separated from each other.

In a Dilemma

By refusing the best "call" in New England, and asking the Boston church to separate itself from the state religion, Roger Williams created a dilemma for the Boston Puritans. They violently disagreed with him, and would have ordered him sent back to England, but they did not dare for fear of losing the friendship and support of Sir William Masham, a member of the company in England, Sir Thomas Barrington, Earl of Warwick, Sir Oliver St. Johns, Sir Henry Martin, and many other influential friends of Williams in England.

In the meanwhile, Williams received a "call" from the Salem church to serve as its pastor, to the great alarm of the magistrates and elders at Boston. The court at Boston held a special session to consider the matter, and it decided to write a letter of warning to the Salem church and to Mr. Endicott to this effect, that whereas Mr. Williams taught that the Boston church should separate itself from the legal Established Church of England, and besides had declared his opinion that "the magistrate might not punish the breach of the Sabbath nor any other offense that was a breach of the first table," therefore the court

marveled that Salem would choose him without advising with the council, and withal desired that they would forbear to proceed till they had conferred about it.

Accepts a Call to Salem

The Salem church, jealous of its independent rights, gave the magistrates and clergy of Boston the rebuke they so richly deserved, and insisted that Roger Williams accept their call and enter upon his charge at once, which he did. Here Williams preached his views freely, and the freemen of Salem welcomed him with open arms. But the spiritual dictators and autocrats of Boston hounded his steps and stirred up an active opposition against him in the colony outside the town of Salem. The cruel hand of persecution was lifted against him, and inside of six months he was forced to retire to Plymouth and seek refuge among the Pilgrims, who held far more liberal views toward dissenters than did the Puritans.

For the next two years, Roger Williams preached at Plymouth as assistant pastor to Elder Smith, and the independent colony of Plymouth protected him from persecution by Massachusetts Bay. His teachings were well received by the people of Plymouth, and Governor Bradford esteemed him highly. While here he did missionary work among the Indian tribes, and entered into a treaty agreement with Massasoit and other Indian chiefs, which laid the foundation for the founding of Rhode Island a little later, when he was banished the second time from Salem. It was well for him that he stayed two years at Plymouth and won his way into their hearts, for his Plymouth friends served as a buffer ally between the Bay Colony and the Providence Plantation.

Union of Church and State Among the Pilgrims

The Pilgrims also had a union of church and state, and punished and persecuted those who broke the first four commandments of the decalogue, but they were more mild and tolerant than

the Puritans. Roger Williams became restless under the Plymouth theocracy, and hoped they would improve affairs. In the summer of 1633 he received a second "call" to assume the pastorate of the Salem church, which he gladly accepted.

The return to Salem marked the beginning of a series of controversies between the authorities of Salem and Boston. The Puritan clergy of Boston were so strongly Calvinistic that their new-founded Utopia, which they styled the "Holy Commonwealth," gave no quarter to religious dissenters. They believed that it was their duty to see that all men "obeyed the inexorable will of God," not as each individual understood it, but as the Puritan theocracy interpreted it. This theory led to the justification of the most cruel persecutions which were ever perpetrated upon dissenters, unless it was the atrocities of the Inquisition.

All this persecution was done in the name of God and for the good of the church and the state. The civil magistrate and the civil law were used as the vehicle to carry forward the dogmas and propaganda of the Puritan church. Theocracy and oligarchy combined to share the spoils of religious and civil power. The most powerful weapons they employed were the whipping post, confiscation of property, and banishment. They held that they were justified "to use the sword of the civil magistrate to open the understanding of the heretics," in order to save them from hell-fire.

Roger Williams charged that the New England clergy, "under a pretense of holy orders in themselves, put over the drudgery of execution to their enslaved seculars." "I affirm there was never civil state in the world," declared Williams, "that ever did or ever shall make good work of it, with a civil sword in spiritual matters." Instead, the state should give "free and absolute permission of conscience to all men in what is merely spiritual."

In the year 1634, Cotton Mather remarked in his "Magnolia," "There was a whole country in America like to be set on fire by the rapid motion of a windmill in the head of one particular man." That man was Roger Williams, whose opinions relative to the limitation of civil magistrates in the exercise of their proper functions, excluding their authority in spiritual matters, had within two and a half years set all New England on fire, and what hurt most was that the common people heard him gladly.

Resident's Oath Required

In April, 1634, the magistrates ordered all Bay residents not freemen, to take a Resident's Oath, pledging themselves to submit to the orders of the General Court. On May 14, 1634, the court passed a new Freeman's Oath, requiring the freemen to pledge allegiance to the General Court and officers. The purpose was to eradicate all opposition to the "Holy Commonwealth," and the penalty for refusing to take the oath was banishment.

The new oath was evidently aimed at Roger Williams, as it sanctioned "the right of magistrates to punish for breaches of the first table and to rule in religion." Williams accepted the challenge, and denied the right of the state to enforce an oath which was in fact "a spiritual form and act of worship and prayer," and he attacked its legality so vehemently that he swayed public opinion against it, and made it impossible for the court to enforce the oath. He became the people's champion in the cause of liberty, and his victory made him very popular in Salem. The religio-political authorities of the "Holy Commonwealth" found metal of no common temper in Roger Williams.

Trial of Roger Williams

Some new occasion must be found to apprehend this "first rebel against the divine church order established in the wilderness." They determined to subdue Williams or banish him. Through

guile and threats, the General Court finally won John Endicott, Mr. Williams' defender and friend, over to its side. By the same means, the court official succeeded in turning the majority of the Salem church against him. Finally Roger Williams was summoned for trial on the charge of entertaining "dangerous opinions." The Bay governor, twenty-five court magistrates, the deputies, and all the ministers of the Bay were present. It was the most spectacular assembly and trial, and the most far-reaching in its results, that ever convened in America, aside from the Continental Congress of 1776, which was made possible only by the courageous stand of Roger Williams at this eventful trial.

The clergy as the advisers to the General Court gave an inquisitorial color to the whole procedure. They acted in conjunction with the court, at once as legislators, executives, and judiciary—judge, jury, and final court of appeal—in the trial of Roger Williams, against whom they were also the complaining witnesses. There was, for Roger Williams, no more hope of escape from this inquisition than there would have been if he had been held in the jaws of a crocodile.

Governor Haynes, presiding officer of the court, was chief prosecuting attorney, and the judge who was to pronounce the sentence. Roger Williams had no attorney to defend his case, as none, through fear, dared to defend him. Undaunted and alone, like Christ, he faced the inquisitorial court and stood in the "rockie strength" of his principles. He pleaded his case so eloquently and logically that he forced a division between the magistrates and deputies. Not for nought had he sat at the feet of Sir Edward Coke in the Star Chamber of England. With the courage of a Luther, he launched his broadsides against fifty of the ablest men of Massachusetts Bay Colony.

The ministers moved among the magistrates and deputies who were favor-

able to Mr. Williams to turn their votes against him. The lobbying was successful, and the "holy brethren" rejoiced in securing his conviction.

Before sentence of banishment was pronounced, the court gave him a chance to recant. Would he recant, or stand his ground like Luther? Upon his decision depended the future of Rhode Island, yea, more,—to a large extent the future of America and of the world. Worn out and desperate, through lengthy hours of disputation, would he lose heart and yield? Never! never! He stood unshaken as the eternal hills in the "rockie strength" of his convictions. "I am ready not only to be bound and banished, but to die also in New England" for the truth, declared Williams. So hour after hour he argued in defense of his principles, unsubdued and undismayed, till the sun sank into darkness and the weary court adjourned, hoping he might recant on the morrow. In this hope they were disappointed.

The next morning, October 9, 1635, Roger Williams made it known that he was as unshaken as the Rock of Gibraltar, and that he had faith to believe that the principles he advocated would triumph, even if he were killed. The governor pronounced the sentence of banishment.

That sentence of exile, instead of being the doom, was the harbinger of religious liberty in America. It opened the door of opportunity to establish a model republic as an asylum for the oppressed of America and of Europe, where all could worship God unmolested, in harmony with the dictates of their own consciences. It enabled Roger Williams to do for America and for the world what would have been impossible within the Holy Commonwealth.

Tribute to Roger Williams

The Hon. Oscar S. Straus, twice American Ambassador to Turkey, and Secretary of Labor and Commerce in the Cabinet of the late President Theodore Roosevelt, fittingly spoke of Roger Wil-

liams: "If I were asked to select from all the great men who have left their impress upon this continent—if I were asked whom to hold before the American people and the world to typify the American spirit of fairness, of freedom, of liberty in church and state, I would without any hesitation select that great prophet who established the first political community on the basis of a free church in a free state, the great and immortal Roger Williams."

This sketch will be continued in the next number of the LIBERTY magazine.



Liberty Impossible Under Dictators

(Continued from page 7)

subordinate to the principles of liberty."

The principle of allowing the governed to decide how they will be governed is sound, having been proved by experience wherever tried. It has further the approval of Holy Writ, the wise man saying, "In the multitude of counselors there is safety." Prov. 11:14. Whenever tyrants have denied to the people any fundamental right, if they took the trouble to justify their course at all, they claimed that their action was prompted by regard for their subjects.

The nearest approach, we think, that America has to the old-time despot is to be found in the persons of the professional reformers. These misguided folk always oppose the proposal to allow the voters to settle for themselves the question of what part the State shall take in enforcing religious laws. We confess that it must be very gratifying to look in the glass while shaving in the morning and feel that high heaven has commissioned one to rule his fellows without regard for their wishes. We have, however, the sneaking suspicion that only the man who is wanting in a saving sense of humor can ever work himself into this frame of mind. Enemies of real soul liberty and real

civil liberty are never content to have matters which concern all the people settled by the consciences of all the people. Repression takes a multitude of forms. There are some who think that only the intellectuals are fit to rule. Others undoubtedly would offer this power only to those who have made a financial success. While Americans deny the "divine right" of kings to rule, there are not wanting those who feel that their family heritage particularly fits them to govern others. The list might be multiplied, but it is not necessary.

Would to God that all of us might love America as Lincoln said Clay did, "He loved his country, partly because it was his own country, and mostly because it was a free country."

Religious Liberty and Equality Championed

(Continued from page 11)

discipleship is, "If ye love Me, keep My commandments." Whenever the Christian church has operated with the gospel, it has been powerful. When it has substituted the law, it has failed. The gospel of Christ filled churches and secret meeting halls "in spite of dungeon, fire, and sword." Could any blue law have accomplished that? God made man a free moral agent. Today the professional reformer with his blue laws would go God one better; would take away man's right to choose, and chain and shackle him to righteousness. With enough laws of this type, our prayer, 'Lead us not into temptation,' could be directed to the police department instead of to God.

Early Christian history presents an interesting contrast. Of the Christians we read: "They ceased not to teach and preach Jesus Christ." Of Saul and his band we read: They "entering into every house and haling men and women committed them to prison." Shall we reverse this situation? Shall we make Sunday a day of *arrest* instead of a day of *rest*?

Several years ago in Richland Center, Wisconsin, a crusade against Sunday movies was carried on by the ministerial association. One of the ministers swore out a warrant against Jake Eskin, owner of the theaters there. He was further prosecuted, finally fined. In a sermon discussing the event, Rev. William Dawson, Episcopal bishop, truthfully and pointedly said, in taking the ministers to task for their action: "The world is not saved by court orders or sheriff's warrant, but by the kindness of Christian love and example. Christ never arrested any one, although He could have had warrants sworn out many a time. The church has lost its soul when it becomes political dictator."

I shall vote for Sunday movies, then, not because I desire them for myself. I shall vote for them because I am willing that my fellow citizens should regulate their lives, their work and pleasures, as they see fit, because our governmental scheme has no place for the intolerant doctrine of some people, "Let my conscience be your guide." I shall vote for Sunday movies because I respect the rights and liberties of the 68,000,000 Americans without church connection. I shall continue to work upon these people with all my vigor by using the gospel of Christ, my only legitimate weapon. I shall vote for the abolition of all religious laws because I have come to see how futile it is to try to cram religion down a man's throat or legislate a man into heaven. I shall vote for Sunday movies because I have the firm conviction that Sunday movies will not kill the Christian church. A few people, the very people whom the blue laws force into the church, may desert the church for the movies on Sunday, but I say that the church of Christ is better off without these novelty-seeking attendants who go to church because there is no other place to go.

Ask yourself seriously, "Have I the right as an American citizen to interfere with the rights of my neighbor? Have I the privilege to deny him a

pleasure which he feels free to enjoy?" Perhaps you know that Saul of Tarsus once felt free to assist at the stoning of Stephen for no other reason than that Stephen was corrupting the true religion. Once Spanish Inquisitors could hound heretics and burn them at the stake because they were teaching contrary to the established church. Once the state church of England could so interfere with the liberties of the Puritans that they found it more comfortable to leave for America. Again, these Puritans of New England in turn made life so miserable for people who disagreed with them that Roger Williams and others had to flee to Rhode Island. Think well of such unpleasant historical happenings before you ever take it upon yourself by your vote to interfere with your fellow American.

Equality of All Religions Before the Law

(Continued from page 13)

This is not a Christian nation in any legal sense, for Christians in this country are entitled to no special rights or privileges.

This is not a Christian nation in any religious sense, for religion is strictly a personal matter. Men are not saved by nations, nor by states, nor by races, nor by groups, nor by families, but as individuals. Salvation is not a wholesale transaction. It is strictly retail, one by one.

These views I have expressed are not inconsistent with my firm belief that the church is by far the greatest single factor in the success of the state. But history shows that both church and state flourish most when they are separate and distinct. The reason they do not mix is that the law rests on force, while religion rests on love. The state owes the church an undying debt of gratitude for creating and maintaining that sentiment for righteousness without which all laws are impotent.

Lincoln truly said: "Public senti-

ment is everything. With public sentiment, nothing can fail; without it, nothing can succeed. Consequently, he who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

It is the function of the church to create and foster a love of right so that its followers may seek noble objectives in all things, including government, but it is not the function of the churches to choose between the several legal means proposed to accomplish those ends clearly within the jurisdiction of the state. The church and the state are not enemies. They have many purposes in common, but they travel along different routes. The one pursues the path of loving persuasion; the other the path of force. The church seeks to make men inwardly good; the state to make them outwardly good. The one uses the sword of the Spirit; the other a sword of steel. The church must not tell the state how to change the actions of men. The state must not tell the church how to change the hearts of men.

Shall the Power of the Supreme Court Be Curbed?

(Continued from page 15)

who may change the Constitution. They seem to prefer to amend the Constitution by strained and unnatural constructions.

It is true the decisions of the Court have more than once been a blow to so-called centralized government. They have more than once protected State rights. But that is because the Constitution does not provide for centralized government to the extent some desire, and because the Constitution provides for the protection of State rights. Here again, I say, if greater authority is desirable or necessary to the solution of modern economic problems, or if State rights are to be eliminated, ask the peo-

ple for the power, not the courts. The Constitution should be changed back home, and not in Washington. . . .

I am quite aware that some writers have dilated on the theory that our Constitution was framed and adopted with the view of protecting property rights at the expense of human rights. But neither the document, nor the decisions of the Court, nor the historic facts surrounding the adoption of the Constitution, seem to me to support this charge.

Tell me, if you will, where you will find a document of government so right in human rights as the Constitution of the United States. It is true that technically the Bill of Rights was not a part of the Constitution when it was formally submitted. But it is also true that, in the contemplation of all, the Bill of Rights was a part of the Constitution at the beginning.

Think of adopting a charter of government in 1789 which guaranteed religious liberty, free speech, a free press, and all those rights and privileges guaranteed and protected in the Constitution. No such rights upon the part of the people existed to any extent at that time in the entire world. It seemed like madness to other governments, and they made no concealment of their derision. The human rights specified and preserved in the Constitution are the fundamental human rights; and, these rights being guaranteed, all human rights are made secure.

Look at the world today, and reflect upon how small a portion of the globe now sees the people enjoying free speech, free press, religious liberty, the right of trial by jury, personal liberty. No! No! It is not true that human rights are submerged by the Constitution. If we live up to our Constitution in letter and in spirit, human rights will always be supreme. . . .

But an institution has a right to be judged by its record as a whole. And taken as a whole, there is no finer record in protecting human rights than that

recorded in the decisions of the Supreme Court of the United States.

There have been occasions when the political side of the government felt justified in invading some of these human rights. The Supreme Court has invariably struck down the laws which took away or compromised these rights. It has protected the right of trial by jury. It has protected religious liberty. It has protected personal liberty. And it has done so in some instances under the most trying and adverse circumstances. . . .

When Congress, under a plea of emergency, subjected the citizen to trial by court-martial, the Court struck down the law. Without great detail and without mentioning a multitude of decisions, I know of no instance wherein the liberty of the citizens, imperiled by legislation or the act of the Executive in times of stress or in times of passion, has not been upheld and protected by the Supreme Court. . . .

It is now suggested, and from a most respectable source, that the Supreme Court be made an advisory body on constitutional questions. It is suggested that the Court advise Congress during the process of legislation. The idea is that some plan should be provided whereby the Court may pass upon the constitutionality of proposed measures of legislation.

I think that a little reflection will convince any one that this would destroy entirely the highest virtue of the Court. That virtue is that there should be a tribunal unbiased and uncommitted to which the citizen may repair when he feels his constitutional rights have been invaded. . . .

It is my feeling that, when the framers of the Constitution lodged the power to amend the Constitution in the people, and conferred upon the Supreme Court the power to annul acts found to be in violation of the Constitution, they made this a government of law rather than a government of men. And only by pre-

serving both the Constitution and the power of the Court can we be certain that it will remain a government of law. . . .

As I see it, the combat between communism and Fascism on the one hand, and democracy on the other, in the last analysis, comes down to the simple question: What, if any, place shall be given to the average man and woman in government? What voice shall they have? Both communism and Fascism would rob them of every right, every privilege, every guaranty given them in our Constitution—personal liberty, and all the attributes of liberty. The first line of defense therefore against a dictatorial government is the Constitution of the United States. . . .

When you remove the restraints of popular judgment, you not only have taken the first step but you have taken the last step toward absolute dictatorial power; I do not care what you call it.

We hear constantly about these "difficult times" as an argument in favor of wiping out all the rights and guaranties given the people under the Constitution. It was in "difficult times," very difficult times, times which tried men's souls, that the Constitution was written, and "centralization of leadership" was for all times rejected. It was in "difficult times," when economic and financial chaos reigned, that Washington calmly rejected the proffered "centralization of leadership." It was in "difficult times," very difficult times, a time when we were torn with civil strife, that the great martyr declared that the government of the people must not perish.

They had faith in our form of government, and difficult as the times were, they did not indulge in the defeatist policy of surrendering the vital principles upon which a free government rests. A little patience, a little courage, a little faith, will stimulate tremendously one's confidence in the efficiency and the permanency of constitutional government.

A Liberty Catechism for America

(Continued from page 17)

CHARLES CARROLL: "When I signed the Declaration of Independence, I had in view not only our independence from England, but the toleration of all sects, . . . and communicating to them all full rights. Happily this wise and salutary measure has taken place for eradicating religious feuds and persecutions and become a useful lesson to all governments."—*To George Washington Parke Custis.*

10. *Can complete religious liberty be granted without endangering the political sovereignty of the state?*

ROGER WILLIAMS: "There goes many a ship to sea with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth or a human combination or society. It hath fallen out sometimes, that both Papists and Protestants, Jews and Turks, may be embarked in one ship; upon which proposal I affirm that all the liberty of conscience that ever I pleaded for, turns upon these two hinges,—that none of the Papists, Protestants, Jews, or Turks be forced to come to ship's prayer or worship nor compelled from their own particular prayer or worship, if they practice any. I further add that I never denied, that notwithstanding this liberty, the commander of this ship ought to command the ship's course, yea, also command that justice, peace, and sobriety be kept and practiced both among the seamen and all the passengers."

11. *Should religious tests be applied for political office?*

GEORGE WASHINGTON: "In this enlightened age, and in this land of equal liberty, it is our boast, that a man's religious tenets will not forfeit the protection of the laws, nor deprive him of the right of attaining and holding the highest offices that are known in the United States."—*To the members of the New Church in Baltimore.*

VIRGINIA STATUTE OF RELIGIOUS LIBERTY: "Our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; therefore, the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right."

12. *How widely should religious liberty be extended?*

THOMAS JEFFERSON: "Where the preamble declares that coercion is a departure from the plan of the holy Author of our religion, an amendment was proposed, by inserting the words 'Jesus Christ,' so that it should read, 'a departure from the plan of Jesus Christ, the holy Author of our religion;' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mohometan, the Hindoo and Infidel of every denomination."—*Of the Virginia Statute of Religious Liberty*.

13. *Can religion survive without liberty of conscience?*

WILLIAM PENN: "I ever understood an impartial liberty of conscience to be the natural right of all men; and that he that had a religion without it, his religion was none of his own. For what is not the religion of a man's choice, is the religion of him that imposes it; so that liberty of conscience is the first step to have a religion."—*Christian Century*, Jan. 22, 1936.

AMERICA is cursed with too many respectable but dormant citizens who fail to exercise the right of franchise, and then become chronic kickers because the corruption and miasma is not purified in the political atmosphere.

The Constitution of the United States a Bulwark Against Arbitrary Legislation

BY A. R. BELL

IN the year 1874 a decision was handed down by the United States Supreme Court, part of which reads as follows:

"In this country, written constitutions were deemed essential to protect the rights and liberties of the people against the encroachments of power delegated to their governments, and the provisions of Magna Charta were incorporated into bills of rights. They were limitations upon all the powers of government, legislative as well as executive and judicial.

"It necessarily happened, therefore, that as these broad and general maxims of liberty and justice held in our system a different place and performed a different function from their position and office in English constitutional history and law, they would receive and justify a corresponding and more comprehensive interpretation. Applied in England only as guards against executive usurpation and tyranny, here they have become bulwarks also against arbitrary legislation; but in that application, as it would be incongruous to measure and restrict them by the ancient customary English law, they must be held to guarantee not particular forms of procedure, but the very substance of individual rights to life, liberty, and property.

"It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. Arbitrary power, enforcing its edicts to the injury of the person and property of its subjects, is not law, whether manifested as the decree of a personal monarch, or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of the governments, both State and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions.

"The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of the government."

The preamble to the Constitution of the United States says, "We, the people of the United States, . . . do ordain and establish this Constitution for the United States of America."

So, to all intents and purposes, in language that even a child may understand, it is stated, though worded differently, that "the people of these United States are the rightful masters of both Congress and Courts" (Lincoln). In other words, the people, and not the government, either legislative, executive, or judicial, are sovereign.

Again, at this same time, the Supreme Court declared:

"The theory of our governments, State and national, is opposed to the deposit of unlimited power anywhere. The executive, the legislative, and the judicial branches of these governments are all of limited and defined powers. This is no new doctrine. It has been the law ever since the birth of the nation."

Regarding legislative authority, the same Court declared:

"The Constitution is the origin and measure of legislative authority. It says to legislators, Thus far ye shall go and no farther. Not a particle of it should be shaken; not a pebble of it should be removed. Innovation is dangerous; one encroachment leads to another; precedent gives birth to precedent; what has been done may be done again; thus radical principles are generally broken in upon, and the Constitution eventually destroyed."

In these days when men, filled with a zeal, but not according to knowledge, seem to be ready to throw fundamentals to the winds for expediences, bartering principles for policies, it is well for our citizenry to take note of the words of the Sage of Monticello.

"Our legislators are not sufficiently apprised of the rightful limits of their power: that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us."

It is our duty to place men in the seat of power who appreciate the eternal verities handed down to us by the men who builded better than they knew, who gave us a country unequaled, founded upon the principles of the gospel, and bequeathed to every man as his inalienable right and prerogative by the Author of liberty Himself.

WHEN the lamp of truth burns low, we stumble over our own feet.

Our Cover Picture

OUR cover picture this quarter is of the old colonial capitol at Williamsburg, Virginia. This, as well as many of the other buildings of that early period in this interesting city, have recently been restored to their former beauty through the generosity of John D. Rockefeller, Jr. The article on page 18 of this number traces in a very brief way the history of the first two capitals of Virginia, Jamestown and Williamsburg.



Sparks From the Editor's Anvil

FAITH pierces through the clouds of doubt which obscure our vision, and beholds the Invisible.

A CHURCH in politics cares more about who is going into the White House than who is going to heaven.

POLITICAL clerics, instead of shepherding the sheep, fight among themselves while the wolves ravage the sheep.

THE most abhorrent hypocrite is he who clothes a vile motive with the garments of benevolence and religion.

WHEN nobility produced a Lincoln, it passed by the mansion of a Croesus and entered a log hut in the wilderness.

WHEN the church forms an alliance with the state, love is arrested and fettered as it seeks to enter the church door.

A CORRUPT shrine is the devil's temple, where Truth lies slain under the altar, and hypocrisy embellishes its ceremonies.

MANY of the socialized political preachers of today are red-hot servants of Marx and Lenin, instead of servants of Christ.

THE influence and prestige of the church decreases in the same proportion as the church leaders become politically minded and intolerant.



EQUALITY

WE CAN GET GOOD GOVERNMENT
ONLY UPON CONDITION THAT
WE KEEP TRUE TO THE PRIN-
CIPLES UPON WHICH THIS NATION
WAS FOUNDED. . . . WE ARE NEITHER
FOR THE RICH MAN AS SUCH NOR FOR
THE POOR MAN AS SUCH; WE ARE FOR
THE UPRIGHT MAN, RICH OR POOR.
SO FAR AS THE CONSTITUTIONAL
POWERS OF THE NATIONAL GOV-
ERNMENT TOUCH THESE MATTERS
OF GENERAL AND VITAL MOMENT
TO THE NATION, THEY SHOULD BE
EXERCISED IN CONFORMITY WITH
THE PRINCIPLES ABOVE SET FORTH.

—President Theodore Roosevelt,
Second Annual Message, Dec. 2, 1902.

